

REMARKS

The present Amendment amends claims 4, 6, 10, 14, 15 and 17 and cancels claims 1-3, 5, 7-9, 11-13, 16 and 19. Therefore, the present application has pending claims 4, 6, 10, 14, 15 and 17.

Claims 3, 5, 7-9 and 13 stand rejected under 35 USC §112, first paragraph as allegedly failing to comply with the enablement requirement; claims 2, 3, 5, 7, 9, 11, 12 and 16 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention; claim 19 stands rejected under 35 USC §101 as allegedly being directed to non-statutory subject matter; and claim 1 stands rejected under 35 USC §102(e) as being anticipated by Soejima (U.S. Patent Application Publication No. 2004/0123180). As indicated above, claims 1-3, 5, 7-9, 11-13, 16 and 19 were canceled. Therefore, these rejections are rendered moot. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

It should be noted that the cancellation of claims 1-3, 5, 7-9, 11-13, 16 and 19 was not intended nor should it be considered as an agreement on Applicants part that the claims fail to comply with the enablement requirement, that the claims are indefinite, that the claims are directed to non-statutory subject matter or that the features recited in claims 1-3, 5, 7-9, 11-13, 16 and 19 are taught or suggested by any of the references of record. The cancellation of claims 1-3, 5, 7-9, 11-13, 16 and 19 was simply intended to expedite prosecution of the present application.

Applicants acknowledge the Examiner's indication in paragraph 4 of the Office Action that claims 4, 6, 10, 14, 15 and 17 would be allowable if


rewritten in independent form including all the limitations of the base claim and any intervening claims. Amendments were made to claims 4, 6, 10, 14, 15 and 17 to place them in independent form. Therefore, claims 4, 6, 10, 14, 15 and 17 are allowable as indicated by the Examiner.

In view of the foregoing amendments and remarks, applicants submit that claims 4, 6, 10, 14, 15 and 17 are in condition for allowance. Accordingly, early allowance of claims 4, 6, 10, 14, 15 and 17 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (501.43788X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 684-1120